

Applicants: Heribert LORENZ et al.
Application No. 10/755,744
Amendment in Response to Office Action dated May 7, 2004

REMARKS

Applicants respectfully requests reconsideration and allowance of this application in view of the amendments above and the following comments.

Claim 1 is pending. Amendments have been made to claim 1 to overcome the rejection under 35 U.S.C. 102. Support for the amendments is found in the examples. Changes that have been made to the claims and specification are presented above using strikethrough and underlining. It is believed that no new matter has been added.

Claim Objections

The Examiner objected to claim 1 for being in improper Markush language. Claim 1 has been amended and is in proper Markush language.

Obviousness-type double patenting rejection

Claim 1 stands rejected by the Examiner under obviousness-type double patenting in view of U.S. Application Nos. 10/465,078; 10/465,278; 10/642,917; 10/465,304; and 10/730,469. In response, Applicants respectfully request the rejection be held in abeyance until allowable subject matter is indicated, at which time Applicants will either prove patentable distinctness or else take other appropriate action, for example, filing a terminal disclaimer.

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Rejections under 35 U.S.C. 102

The Examiner rejected claim 1 under 35 U.S.C. 102(b) as being anticipated by each of the references Tamura (U.S. Patent No. 5,015,260), Andousset (U.S. Patent No. 5,578,087), Golinski (DE 019834657), and Henkel (DE 20017642). The Examiner found each of the cited reference to generally teach a hair dyeing composition. Applicants believe the Examiner interpreted the claim as selecting "one or more" from all of groups (a), (b) and (c). In response, Applicants have amended the claim and submit none of the cited references show a hair dyeing composition which comprises "at least one developing and/or coupling substance" from each of groups (a), (b) and (c) set forth above in claim 1. Accordingly, claim 1 is not anticipated by each of Tamura (U.S. Patent No. 5,015,260), Andousset (U.S. Patent No. 5,578,087), Golinski (DE 019834657), and Henkel (DE 20017642) references.

In view of the amendments presented above and the foregoing, Applicants submits that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Conclusion

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is


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respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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